Attorney's Docket Number: 3766.220-US

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MUTANTS WHICH PRODUCE A POTENTIATOR OF BACILLUS PESTICIDAL ACTIVITY
the specification of which (check only one item below):
[] is attached hereto
[X] was filed as United States application
Serial No. to be assigned
on <u>May 30, 1995</u> ,
and was amended
on
[] was filed as PCT international application
Number
on,
and was amended under PCT Article 19
on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign applications(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/	PCT APPLICATION(S) AND A	NY PRIORITY CLAIMS UNDER 3	5 U.S.C. 119:
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			[] YES [] NO
			[] YES [] NO
			[] YES [] NO
			[] YES [] NO
			[] YES [] NO
			[] YES [] NO

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Attorney's Docket Number: 3766.220-US

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

			Ul	NDER 35 U.S.C. 120:				
U.S. APPLICATIONS (STATUS (Check one)			ne)
U.S. APPLICATION NUMBER		U.S. FILING DATE	Paten	ted	Pending	Abandoned		
	07/	971,786		November 5, 1992				х
	07/	990,202		December 14, 1992				x
	08/	095,240		July 20, 1993				x
	08/	146,852		November 3, 1993			x	ļ
		DOM ADDITIONS OF	COLONA MENA COM	7 II C				
	APPLICATION N	PCT APPLICATIONS DE		US SERIAL NUMBERS ASSIGNED (if any)				
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Se	end Corresponde	nce to: Steve T. Zelson Novo Nordisk on 405 Lexington New York, New	Avenue, Suite	6400	E	Ste	relephone Cal eve T. Zelsor 212) 867-0123	ı
	Full Name of Inventor	ramily Mame Outtrup	First diven Name Helle		s	econd diven	Name	
1	Residence & Citizenship	City DK-3750		State or Foreign Country Denmark		country of c		
i.	Post Office Address	Took Addies Addies		City DK-3750 Ballerup		state a zip code/country Denmark		
	Full Name of Inventor	Family Name Lidster		First Given Name William		Second Given Name D.		
	Residence & Citizenship			state or Foreign Country California		Country of Citizenship U.S.A.		
	Post Office Address	ice Post Office Address 4641 D Street		Sacramento		california 95819/U.S.A.		/U.S.A.
	Full Name of Inventor			First Given Name Susan		Second Given Hame C.		
	Residence & Citizenship			state or Poreign Country California		Country of Citizenship U.S.A.		
	Post Office Address	ffice Post Office Address		city Woodland		State & Zip code/country California 95695/U.S.A.		
	Full Name of Inventor	Family Hame Starnes		First diven Name Robert		Second Given Hame		
	Residence & Citizenship			state or Foreign Country California		Country of Citizenship U.S.A.		
	Post Office Address	Post Office Address 418 Rio del Oro La	ne	city Sacramento		california 95825/U.S.A.		

COM (In	COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (Includes Reference to PCT International Applications) Attorney's Docket Number: 3766.220-US						
5	Full Name of Inventor	Family Hane Manker	<u>~</u>	First diven Name Denise		Second Given Name Carol	
	Residence & Citizenship	city Davis		state or Foreign Country California		Country of Citizenship U.S.A.	
	Post Office Address	rost office Address 3037 Prado Lane		city Davis		state & Zip Code/Country California 95616/U.S.A.	
6	Full Name of Inventor	Family Hemo		Pirst Given Name		Second Civen Name	
	Residence & Citizenship	City		State or Foreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		City		State & Zip Code/Country	
7	Full Name of Inventor	Family Hamo		First Given Name		Second Given Name	
	Residence & Citizenship	city		State or Foreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		City		State & Zip Code/Country	
8	Full Name of Inventor	Family Hame		First Given Name		Second Civen Name	
	Residence & Citizenship	City		State or Foreign Country		Country of Citizenship	
my grey	Post Office Address	Post Office Address		City		State & Zip Code/Country	
9	Full Name of Inventor	Family Mame		First Given Name		Second Given Name	
	Residence & Citizenship	city		State or Foreign Country		Country of Citizenship	
	Post Office Address	Post Office Address		city		State & Zip Code/Country	
	that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that enable willful false statements are the united states.						
Signatu	re of Inventor 1		Signature of Invent		Signature of Inventor 3		
	The state of the s			William D hoster		wan C. Yhai Intosh	
(DAŁa			June	June 19, 1995		; June 195	
Signature of Inventor 1 Nobert L. Hannes Data Tune 16, 1995		1		Signatur	e of Inventor 6		
June 16, 1995		Date Jun	Denice Corol Manker Date June 16, 1995				
Signature of Inventor 7 signature			Signature of Invent	or 8	Signatur	e of Inventor 9	
Date			Date		Date		

Attorney's Docket Number: 3766.220-US

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COUNTRY (if PCT, indicate *PCT*)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			[]YES []NO
			[] YES [] NO
			[] YES [] NO
			[]YES []NO
			[] YES [] NO
			[] YES [] NO

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY (Includes Reference to PCT International Applications)

3766.220-US

I hereby claim the benefit under Title 35, United States Code \$120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, \$112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, \$1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

			(DER 33 0.3.C. 120.				
	U.S. APP	LICATIONS		STATUS (Check one)			
U.S. APPLICATION NUMBER			U.S. FILING DATE	Patented	Pending	Abandoned	
07/971,786			November 5, 1992			x	
07/	990,202		December 14, 1992			х	
08/	095,240		July 20, 1993			x	
08/	146,852		November 3, 1993		x		
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	PCT APPLICATIONS D	ESIGNATING THE	U.S.	 			
APPLICATION N	O. FILIN	G DATE	US SERIAL NUMBERS ASSIGNED (if any)				
Reg. No. 30,335 Reg. No. 33,728 Reg. No. Steve T. Zelson, Esq. Novo Nordisk of North Ameri 405 Lexington Avenue, Suite			34,086 Reg. No. 31,274 ca, Inc. 6400	Direct	: Telephone Cal	1	
Full Name of Inventor	Panily Hame Outtrup	First Given Name Helle		Second Giv	Second Given Mama		
Residence & Citizenship	city DK- 2 750		state or Foreign Country Denmark		country of Citizenship Denmark		
Post Office Address	Poet Office Address Syvendehusvej 46		DK- 2 750 Ballerup		state & Zip Code/Country Denmark		
Full Name of Inventor	remlly seme Lidster		First Given Name William	Second Giv	Second Given Hame D.		
Residence & Citizenship	sacramento		State or Foreign Country California				
Post Office Address	Post office Address 4641 D Street		Sacramento		california 95819/U.S.A.		
Full Name of Inventor			First diven Name Susan	Second Gir	Second Given Name C.		
Residence & Citizenship	Gity Woodland		State or Foreign Country California	3			
Post Office Address	908 Deborah Street		City Woodland		State & Zip Code/Country California 95695/U.S.A.		
Full Name of Inventor	Starnes		rirst diven Mane Robert		Second Given Name L.		
Residence & City Citizenship Sacramento		State or Foreign Country California		Country of Citizenship U.S.A.			
	Sacramento		California	U.S.A	۸.		
	POWER OF A this appli Steve T. Z Reg. No. 3 and Corresponde Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name of Inventor Residence & Citizenship Post Office Address Full Name Full Name	U.S. APPLICATION NUMBER 07/971,786 07/990,202 08/095,240 08/146,852 PCT APPLICATIONS D APPLICATION NO. FILIN POWER OF ATTORNEY: As a named invertive application and transact all Steve T. Zelson Elias J. Lambir Reg. No. 30,335 Reg. No. 33,72 and Correspondence to: Steve T. Zelson Novo Nordisk on A05 Lexington New York,	U.S. APPLICATION NUMBER 07/971,786 07/990,202 08/095,240 08/146,852 PCT APPLICATIONS DESIGNATING THE APPLICATION NO. FILING DATE POWER OF ATTORNEY: As a named inventor, I hereby this application and transact all business in Steve T. Zelson Elias J. Lambiris Cheryl H. Reg. No. 30,335 Reg. No. 33,728 Reg. No. and Correspondence to: Steve T. Zelson, Esq. Now Nordisk of North America 405 Lexington Avenue, Suite New York, New York 10174-6. New York, New York 10174-6. New York, New York 10174-6. New York 10174-	U.S. APPLICATION NUMBER U.S. FILING DATE 07/991,786 November 5, 1992 08/095,240 08/146,852 November 3, 1993 PCT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. FILING DATE POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorn this application and transact all business in the Patent and Trademark Offis Steve T. Zelson Elias J. Lambrise Cheryl H. Agris Karen A. Lowney Reg. No. 30,335 Reg. No. 33,728 Reg. No. 34,086 Reg. No. 31,274 and Correspondence to: Stave T. Zelson, Egg. Novo Nordisk of North America, Inc. 405 Lexingson Avenue, Suite 6400 New York, New York 10174-6400 Full Name of Inventor Post Office Address Syvendehusvej 46 Post Office Address Syvendehusvej 46 Post Office Address Full Name of Inventor Residence & City D. C. 2750 Pens office Address Syvendehusvej 46 Post Office Address Syvendehusvej 46 Post Office Address Full Name of Inventor Residence & City D. C. 2750 Post Office Address Syvendehusvej 46 Post Office Address Full Name of Inventor California Full Name of Inventor Post Office Address Gittizenship Post Office Address Address Gittizenship Post Office Address Addre	U.S. APPLICATION NUMBER U.S. FILING DATE Patented O7/971,786 O7/990,202 December 14, 1992 O8/146,852 November 3, 1993 O8/146,852 PCT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. PILING DATE US SERIAL NUMBERS ASSIONED (if any) POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or as this application and transact all business in the Patent and Trademark Office connected to Steve T. Zelson Eliss J. Lambris Cheryl H. Agris Karen A. Lowney Reg, No. 30, 335 Reg, No. 33, 728 Reg, No. 34, 086 Reg, No. 31, 727 Reg, No. 34, 086 COTTON DATE FULL Name Of Inventor Outtrup Post Office Address Post Office Address Post Office Address Full Name Of Inventor City City City City City City City Cit	U.S. APPLICATION NUMBER U.S. PILING DATE O7/971,786 O7/970,202 December 14, 1992 O8/095,240 O8/146,852 November 3, 1993 O8/146,852 November 3, 1993 A PCT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. PILING DATE US SERIAL NUMBERS ANSIGNED (if any) PCT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. PILING DATE US SERIAL NUMBERS ANSIGNED (if any) PCT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. PILING DATE US SERIAL NUMBERS ANSIGNED (if any) PCT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. PILING DATE US SERIAL NUMBERS ANSIGNED (if any) PCT APPLICATIONS DESIGNATING THE U.S. APPLICATION NO. PILING DATE US SERIAL NUMBERS ANSIGNED (if any) PROME OF ATTORNEY: As a named inventor, I hereby appoint the following actorney(s) and/or agent(s) to prove this application and transact all business in the Patent and Trademark Office connected therewith. Steve T. Zelson Reg. No. 30, 128 Reg. No. 30, 128 Reg. No. 31, 129 Reg. No. 31, 128 Reg. No. 34, 108 Reg. No. 31, 124 Reg. Reg. No. 31, 124 Reg. No. 31, 124 Reg. No. 31, 124 Reg. No. 3	

(In	cludes Refe	ration for patent a rence to PCT Intern	ational Ap	AND POWER OF ATTORNEY plications)	3766	.220-US
5	Full Name of Inventor	remily Mana Manker		Piret Given Mane Denise		Second Given Name Carol
	Residence & Citizenship			State or Foreign Country California		Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 3037 Prado Lane		City Davis		state & Zip Code/Country California 95616/U.S.A.
6	Full Name of Inventor	Family Mame		Pirst Given Hame		Second Diven Name
	Residence & Citizenship	City		State or Foreign Country		Country of Citizenship
	Post Office Address	Post Office Address		City		State & Eip Code/Country
7	Full Name of Inventor	Family Name		First Given Name		Second Given Name
	Residence & Citizenship	city		State or Foreign Country		Country of Citizanship
	Post Office Address	Post Office Address		City		State & Zip Code/Country
8	Full Name of Inventor	Family Name		First Given Name		Second Given Name
	Residence & Citizenship	City	:	State or Foreign Country		Country of Citizenship
	Post Office Address	Post Office Address		City .		State & Zip Code/Country
	Full Name of Inventor	Family Name		First Given Name		Second Given Name
The state of the s	Residence & Citizenship	City		State or Foreign Country		Country of Citizenship
	Post Office Address	Post Office Address		city		State & Zip Code/Country
A the state of the	that will: section 10	on and beliet are believ ful false statements an	ed to be true; d the like so nited States	in of my own knowledge are tru; and further that these statem or made are punishable by fine Code, and that such willful faing thereon.	ents w or im	ere made with the knowledge
Tignet	Helle C	Pulling	Signature of Invent	Signature of Inventor 2 Signatur		e of Inventor 3
Pete			Date p		Date	
Signature of Inventor 4		Signature of Inventor 5		Signature of Inventor 6		
Dete		Date D		Date		
figneti	Signature of Inventor ?		Signature of Invent	Signature of Inventor S		e of Inventor 9
Date		Date		Date		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	H. Outrrup <i>et al</i> .) Attorney Docket No.: 5910.US.C4
) VAL6131P0208AUS
Serial Numbe	er: unassigned, continuation)
of U.S	S. Patent Application Serial N	o.)
09/01	3,375)
) Group Art Unit: unassigned
Filing Date:	May 15, 2001)
) Examiner: unassigned
Re: Mutants '	Which Produce a Potentiator)
of Ba	cillus Pesticidal Activity)

DECLARATION AS TO THE DEPOSIT OF A MICROORGANISM

Commissioner for Patents Washington, D.C., 20231

Dear Sir:

I hereby declare:

- 1. that I, Martin L. Katz, am the attorney of record in the above-mentioned U.S. Patent Application, (which is a continuation of U.S. Patent Application Serial No. 09/013,375) entitled "Mutants Which Produce a Potentiator of *Bacillus* Pesticidal Activity" filed on May 15, 2001 in the United States Patent and Trademark Office;
- that a culture of strains EMCC 0086, EMCC 0087, EMCC 0129 and EMCC 0130 has been deposited according to the Budapest Treaty with the Agricultural Service Patent Culture Collection, Northern Regional Research Center, University Street, Peoria, IL,

VAL6131P0208A

61604, USA;

- that the deposit meets the criteria set forth in 37 C.F.R. Sections 1.801-1.809, which
 deposits designated as deposit Accession Numbers NRRL B-21147; NRRL B-21148;
 NRRL B-21445 and NRRL B-21444 respectively;
- 4. that the culture will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Sec. 122;
- that upon issuance of a patent on the above-identified application, all restrictions as to public availability of the culture deposit will be irrevocably removed and that said culture deposit will be replaced should the depository be unable to distribute the sample upon a proper request during the period that extends thirty years from the date of deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest, with the understanding that the availability of a deposit does not constitute a license to practice the subject invention in derogation of patent rights granted by governmental action; and

VAL6131P0208A Page 2 of 3

that I declare further that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent specification or any patent issuing thereon.

5/15/01 Date